

REMARKS

In the office action of September 8, 2006 (“Office Action”), Examiner rejected Claims 1, 3-6, 25, 29 and 31 under 35 USC § 103(a) as being unpatentable over U.S. Patent 3,198,377 (issued Aug. 3, 1965; hereinafter “Buckley”). Examiner also rejected Claims 7 and 8 under 35 USC § 103(a) as being unpatentable over Buckley, and in further view of U.S. Patent 3,225,950 (issued Dec. 28, 1965; hereinafter “Fulcher”). Please note that Examiner referenced Fulcher as ‘350. Applicant continues to believe this to be a typographical error and that the proper reference should have been ‘950. Examiner also rejected Claim 28 under 35 USC § 103(a) as being unpatentable over Buckley and further in view of US Patent 5,423,452 (issued June 13, 1995; hereinafter “Tardif”).

Examiner objected to Claims 9-12 and 30 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner has allowed Claims 13-24, 26, 27 and 32.

Applicant appreciates the allowance of Claims 13-24, 26, 27 and 32. Applicant respectfully maintains the arguments previously presented with respect to the use of Buckley in forming the 35 USC § 103(a) rejections. However, to expedite allowance of the unallowed claims, Applicant respectfully traverses the rejections to the currently rejected claims, and submits the following arguments.

Rejection of Claims 1, 3-6, 25, 29 and 31 under 35 U.S.C. §103(a) over Buckley

In the Office Action, Examiner stated, “The container of Buckley is clearly capable of holding a beverage such as when making eggnog.” In response, Applicant has removed the term “beverage container” from Claim 1 and replaced it with the term “bottle.” Accordingly, Buckley could not be considered a bottle by placing into it contents which may typically be bottled, such as eggnog. Therefore, Applicant respectfully asserts that amending Claim 1 to recite a bottle in place of a beverage container should result in Examiner withdrawing the 35 USC § 103(a) rejection based on Buckley. Accordingly, Claims 1, 3-12, 25 and 28-31 should be allowed.

New Claims 33-36

New Claims 33-36 claim subject matter disclosed in the application as originally filed. Specifically, and by way of example, Figs. 1-3, 5, 6, 8, and 9 each disclose a crown portion tapered toward an externally threaded cylindrical opening. These features are also disclosed in multiple locations within the written specification. Accordingly, Applicant respectfully asserts that Claims 33-36 meet the criteria for patentability and should also be allowed.

Conclusion

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: December 8, 2006